

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

PAO CHOUA XIONG,

Civil No. 20-473 (JRT/LIB)

Petitioner,

v.

TRACY BELTZ (WARDEN),

**ORDER ADOPTING REPORT
AND RECOMMENDATIONS**

Respondent,

Pao Choua Xion, **MCF FARIBAUT**, OID #255144, 1101 Linden Lane, Faribault, MN 55021-6400, pro-se petitioner.

Edwin William Stockmeyer, III, Matthew Frank, **OFFICE OF THE MINNESOTA ATTORNEY GENERAL TRIALS AND APPEALS**, Bremer Tower, Suite 1800, 445 Minnesota Street, St. Paul, MN 55101-2134, for respondent.

Peter R. Marker, **RAMSEY COUNTY ATTORNEY'S OFFICE**, 345 Wabasha Street N., Suite 120, St. Paul, MN 55102-1657, for respondent.

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS HEREBY ORDERED** that:

1. The Petition for a writ of habeas corpus of Petitioner Pao Choua Xiong, [Docket No. 1], is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state remedies;
2. Petitioner's IFP Application, [Docket No. 2], is **DENIED as moot**; and
3. No certificate of appealability be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 1, 2020
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court